

REMARKS

This communication is responsive to the Final Office Action of May 4, 2005 as well as to a Telephonic Interview with the Examiner on August 25, 2005. August 2, 2004 in
5 which the following objections were raised: [1-9] Claims 1-9 were rejected under 35 U.S.C. 102(e) as being unpatentable by Knight et al (U.S. 6,289,375).

Applicant has amended Claims 1, 5-6.

Interview on August 25, 2005

10 Applicant appreciates the telephonic conference with Examiner Adnan M. Mirza and Primary Examiner Jason Cardone on August 25 2005 in which the Knight reference and Claim 1 were discussed. The Applicant presented arguments similar to those previously presented in the response to Office Action filed by the Applicant on February 2, 2005 as to the lack of anticipation provided by the Knight reference as to the Applicant's claimed
15 invention. Specifically the Applicant pointed out that the Knight reference teaches a storage area network management software with a central manager and one or more agents reporting network topology and monitored events to the central manager. The Applicant further pointed out that the Knight reference was not concerned with or offered any incidental teachings with respect to the detailed input output (I/O) processing connected with any
20 particular storage device, let alone the methods and apparatus for an optical storage server forming the Applicant's claimed invention. Primary Examiner Cardone indicated he understood the arguments and felt a new search was required. Examiner Mirza appeared to concur with the Primary Examiner but added as a requirement for the withdrawal of the Knight reference the amendment of claim 1 and specifically the phrase 'data packets' found
25 therein. The Applicant argued that the range of data received from users for storage on an optical storage media defied detailed classification, and further that none was required given the lack of anticipation in the Knight reference. The Applicant also indicated a willingness to

make any reasonable amendment, of which several were discussed and tentatively agreed upon.

1-9. CLAIMS 1-10 REJECTED UNDER 35 U.S.C. 102(e):

5 Claims 1-9 were rejected under 35 U.S.C. 102(e) as being unpatentable by Knight et al (U.S. 6,289,375).

The Applicant hereby incorporates by reference all arguments previously made with respect to the Knight reference including those discussed above with respect to the telephonic interview of August 25th 2005.

10 The Applicant has amended Claim 1 as well as Claim 6 to include limiting language with respect to the phrase ‘data packets’ as discussed above in the August 25th interview as follows:

15 “...configured to coalesce in the volatile memory multiple data packets each associated with a corresponding file or datastream received from the plurality of users into a single corresponding aggregate data packet and to write each aggregate data packet to the at least one optical storage media, thereby reducing a number of write operations required to write data to the at least one optical storage media.” (Applicant’s amended Claim 1)

This language is fully supported in the specification. (See page 4, lines 1-2; page 8, lines 20-22; page 10, lines 1-2, lines 12-14;)

20 The Applicant has also amended Claim 5.

The Applicant respectfully submits, for the reasons presented above as well as those incorporated by reference, that the cited reference discloses none of the limitations found in any of the Applicant’s amended Independent Claims and therefore does not anticipate same. The Applicant also respectfully submits that the remaining claims, dependent on

corresponding ones of either Independent Claims 1 or 5 are also not anticipated by the Knight et. al reference for the reasons discussed above and for other reasons of independent significance.

5 The Applicant therefore respectfully requests that the rejection of remaining amended Claims 1-9 be withdrawn.

CONCLUSION

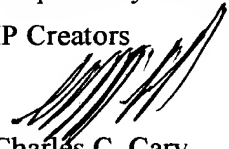
10 In view of the above remarks, and the amendments to the Claims, Applicant respectfully submits that remaining Claims 1-9 have been placed in a condition for allowance, and requests that they be allowed. Early notice to this effect is solicited.

The Commissioner is authorized to charge any additional fees which may be required, including petition fees and extension of time fees, to Deposit Account No. 50-1338 (Docket No. AXISP001).

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Respectfully submitted,
IP Creators

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Charles C. Cary
Registration No. 36,764

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Date: September 10, 2005
P. O. Box 2789
Cupertino, CA 95015
Tel: (408) 850-9585
Fax: (408) 850-9585
E-Mail: cccary@ipcreators.com